APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,447	07/23/2003	Gaurav Mittal	004770.00491	7966

22907 7590 01/22/2009
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ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/625,447	MITTAL, GAURAV
	Examiner	**Art Unit**	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2008</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12 and 15-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-12 and 15-42</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-12 and 15-42 are pending in the application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed invention.

More specifically, the limitation "the application information includes information for display to

a user of the client device, but the link does not" was not disclosed in the specification. As

disclosed, the specification recites displaying information about applications available for

downloading and does not display the link [paragraph 27, 2005/0022182] and not whether the

link including information for display to a user.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-12 and 15-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gibbons et al (hereafter Gibbons) (U.S. Publication 2004/0034853).

6.   Gibbons was cited in previous office actions.

7.   As to claim 8, Gibbons teaches a method, comprising:

receiving at a client device a request for information describing available applications

[user initiating a request through a Download Application (DA) of a Mobile Terminal (MT), pg.

6, paragraph 74, lines 5-9 and paragraph 75];

generating by the client device an initiation request for information describing available

applications and for a link to an application descriptor corresponding to each respective available

application [the DA residing in the MT retrieving a list of available Download Objects (DOs),

therefore, the request is generated by the DA, the DA is not the wireless browser of the mobile

terminal. There is no indication, suggestion, or hint that the DA is a browser, therefore it is the

office's position that the DA is a wireless browser independent device application, pg. 4,

paragraph 50, lines 14-17 and paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2; Used of

BREW, WAP, and Wireless Application Descriptor (WAD), pg. 1, paragraphs 4 and 7], the

application descriptor including attributes to allow a determination by the client device as to

whether the respective application is suitable for the client device [WAD specifies metadata for

DOs, metadata is specified as metadata element, and metadata element attributes include size of

the DO and DO storage requirement, in which the (Application Manager (AM) of the) mobile

terminal used to determine whether it has enough storage space to store the DO to be
downloaded before downloading, pg. 5, paragraphs 61-63, 71, Table 1; pg. 14, claims 7-10];

in response to the initiation request, receiving from an application server computer
through a network server computer at least one application choice and corresponding link to an
application descriptor for the at least one application [pg. 4, paragraphs 52-54; Figs. 1-2; Link
specified location of a WAD, pg. 6, paragraphs 76 and 81]; and

displaying, at the client device, information identifying the at least one application choice
[display by the DA residing in the MT, information about the DO, pg. 6, paragraph 76].

8.   Gibbons does not specifically teach not displaying the corresponding link. However,
Gibbons nonetheless teaches providing the link for use in the retrieval of the application
descriptor [Link specified location of a WAD, pg. 6, paragraph 76].   A person of ordinary skill
in the art at the time the invention was made would be motivated to display or not display the
link as a matter of design choice because as disclosed by Gibbons, the location of the application
descriptor is accessible using the information displayed and the link provided regardless of
whether the link was displayed or not, and displaying the information about the link (i.e.
embedded link) rather than the link itself to a user for accessing the application descriptor would
have been an obvious design choice.

9.   As to claim 1, this claim is rejected for the same reason as claim 8 above. In addition,
Gibbons teaches the invention substantially as claimed including a method, comprising:

receiving from a client device an initiation request for information describing available

applications [from the perspective of the domain where the download object is downloaded from

and the perspective of the Application Download Server (hereafter ADS), pg. 4, paragraph 54;

pg. 6, paragraph 80; Figs. 1-2; user initiating a request through a DA of a MT, pg. 6, paragraph

74, lines 5-9 and paragraph 75];

responsive to the initiation request, retrieving for each available application information

describing a respective application and a link to an application descriptor for the respective

application [the DA residing in the MT retrieving a list of available DOs and a link with a URI to

a WAD, paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2], the application descriptor

including attributes to allow a determination by the client device as to whether the respective

application is suitable for the client device [WAD specifies metadata for DOs, metadata is

specified as metadata element, and metadata element attributes include size of the DO and DO

storage requirement, in which the (AM of the) mobile terminal used to determine whether it has

enough storage space to store the DO to be downloaded before downloading, pg. 5, paragraphs

61-63, 71, Table 1; pg. 14, claims 7-10]; and

transmitting from at least one server computer the application information and the link to

the client device [the DA residing in the MT retrieving a list of available DOs, paragraph 56; pg.

6, paragraphs 75-76, 80-81; Fig. 2D; the DA is not the wireless browser of the mobile terminal.

There is no indication, suggestion, or hint that the DA is a browser, therefore it is the office's

position that the DA is a wireless browser independent device application, pg. 4, paragraph 50,

lines 14-17 and paragraph 56; pg. 6, paragraphs 75-76, 80-81; Fig. 2; Used of BREW, WAP, and

WAD, pg. 1, paragraphs 4 and 7; pg. 4, paragraphs 52-54; Figs. 1-2; DO is downloaded from

protective domain, pg. 6, paragraph 81].

10.   As to claim 2, Gibbons teaches the invention substantially as claimed including receiving

from the client device a request for an application descriptor, said request comprising a link to

the application descriptor; and transmitting said application descriptor to said client device [pg.

6, paragraph 76, lines 4-5 and paragraph 80].

11.   As to claim 3, this claim is rejected for the same reason as claim 2 above. In addition,

Gibbons teaches retrieving the selected application; and transmitting the selected application to

the client device [pg. 6, paragraph 81].

12.   As to claim 4, Gibbons teaches the invention substantially as claimed wherein the client

device is one of a computer, a handheld device, a personal digital assistant, and a wireless mobile

telephone [pg. 1, paragraph 5].

13.   As to claim 5, Gibbons teaches the invention substantially as claimed including wherein

the at least one server computer comprises at least one of a network server and an application

server [pg. 4, paragraph 57, lines 8-10].

14.   As to claim 6, this claim is rejected for the same reason as claim 5 above.

15.   As to claim 7, Gibbons teaches the invention substantially as claimed including wherein
the link is one of a uniform resource locator and a uniform resource identifier [pg. 5, paragraph
64; pg. 6, paragraph 76].

16.   As to claim 35, Gibbons teaches the invention substantially as claimed including wherein
the determination by the client device includes whether the client device has a suitable operating
environment for the respective application [pg. 1, paragraph 11; pg. 5, paragraph 69].

17.   As to claim 36, Gibbons teaches the invention substantially as claimed including wherein
the determination by the client device includes whether the client device has sufficient memory
to store and execute the respective application [pg. 2, paragraph 14, lines 17-20; pg. 5, paragraph
59, lines 2-4; Tables 1 and 3].

18.   As to claim 37, Gibbons teaches the invention substantially as claimed including wherein
the determination by the client device includes whether a display for the client device is
compatible with the respective application [pg. 2, paragraph 14, lines 8-15; pg. 9, paragraph 120,
line 10; Table 3].

19.   As to claim 16, this claim is rejected for the same reason as claims 1 and 8 above. In
addition, Gibbons teaches a wide area network configured to interconnect at least one server
computer and a client device [100, Fig. 1].

20.   As to claim 17, this claim is rejected for the same reason as claims 2 and 3 above.

21.   As to claims 18-21, these claims are rejected for the same reason as claims 4-7 above.

22.   As to claim 26, this claim is rejected for the same reason as claim 8 above. In addition,
Gibbons teaches a processor [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

23.   As to claim 27, this claim is rejected for the same reason as claims 1, 6 and 26 above. In
addition, Gibbons teaches a content/application download model [pg. 1, paragraphs 6-7; pg. 7,
paragraph 87].

24.   As to claim 28, Gibbons teaches the invention substantially as claimed including
determining from the application descriptor whether an application is suitable for downloading;
and upon a determination that the application is suitable for downloading to the client device,
downloading the application [pg. 6, paragraphs 79-81; pg. 9, paragraph 119; Figs. 6 and 8].

25.   As to claim 29, this claim is rejected for the same reason as claim 7 above.

26.   As to claim 42, Gibbons teaches an input device coupled to the processor [pg. 9,
paragraphs 111 and 113], an output device coupled to the processor [368, 375, Fig. 3], and a
memory coupled to the processor and storing instructions to configure the processor [pgs. 1-2,
paragraphs 12, 14 and 28; abstract].

27.   As to claim 22, this claim is rejected for the same reason as claims 1 and 26 above.

28.   As to claims 23-25, these claims are rejected for the same reason as claims 2-4 above.

29.   As to claim 41, Gibbons teaches a memory connected to the processor and storing

program information [pgs. 1-2, paragraphs 12, 14 and 28; abstract].

30.   As to claim 9, this claim is rejected for the same reason as claim 27 above. In addition,

Gibbons does not specifically teach displaying at the client device the application requested.

However, Gibbons disclosed displaying information about DO (applications) [pg. 4, paragraph

56; pg. 6, paragraph 76], executing applications [pg. 1, paragraph 6] and icons that can be

display on a GUI of a mobile device to represent application [pg. 9, paragraph 117; pgs. 9-10,

paragraphs 122, 125; pg. 11, paragraph 131-132]. It would have been obvious to one of an

ordinary skill in the art at the time the invention was made, to further improve on the teaching of

Gibbons by displaying application downloaded at the client device to provide a visual indication

to user for the ease of visually invoking the application for execution.

31.   As to claim 10, this claim is rejected for the same reason as claim 28 above.

32.   As to claim 11, this claim is rejected for the same reason as claim 4 above.

33.   As to claim 12, this claim is rejected for the same reason as claim 7 above.

34.   As to claim 15, this claim is rejected for the same reason as claim 9 above. In addition,
Gibbons teaches wherein the content/application download model is one of java application
management system, binary runtime environment for wireless, and CoD [pg. 1, paragraph 7; pg.
7, paragraph 87].

35.   As to claims 38-40, these claims are rejected for the same reason as claims 35-37 above.

36.   As to claim 30, this claim is rejected for the same reason as claim 1 above.

37.   As to claim 31, this claim is rejected for the same reason as claim 3 above.

38.   As to claim 32, this claim is rejected for the same reason as claim 8 above.

39.   As to claims 33-34, these claims are rejected for the same reason as claims 9 and 15
above.

Response to Arguments

40.   Applicant's arguments filed 10/29/08 have been fully considered but are moot in view of
the new ground of rejection.

41.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

42.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The

examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

7applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/   /Qing-Yuan Wu/
Primary Examiner, Art Unit 2194   Examiner, Art Unit 2194